United Nations A/HRC/37/NGO/1

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Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Terre Des Hommes Federation Internationale, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01492(E)

Please recycle

Right to Development and Sovereignty over Resources of Youth from Western Sahara

It is now the third generation of youth from Western Sahara that is growing up under extremely difficult conditions, deprived of basic rights and needs as the new generation shaping their society, and the future of their people, and the entire region. Their grandparents fled their homeland, Western Sahara, when Morocco occupied the territory back in 1975. These youths are today living either in the refugee camps in southwest Algeria, or in the territory under occupation.

The situation of the children and youths living in the refugee camps in the desert is extremely difficult. The **environmental conditions** are harsh. Last August the temperature rose over 50 degrees Celsius. Heavy sand storms occur frequently, and in winter time, temperatures are freezing. The vulnerability of the refugee population was especially apparent during the heavy raintalls in 2015, when floods destroyed the sand brick houses for a large part of the population. This caused another trauma to the refugees. During the rains, families move to their tents because they fear being buried under houses falling apart.

Due to constantly **decreasing international aid,** basic services in the camps can no longer be guaranteed. In November 2016 the UN agencies WFP, UNHCR and UNICEF issued a warning that insufficient funding of food assistance will inevitably bring with it a cut in basic food rations. In June 2017, the UN Secretary-General expressed his deep concerns over the plight of the Saharawi refugees "who will have their food rations cut due to lack of funding". He informed that the WFP was forced to cut food rations by almost one fifth and stopped the distribution of nutritional supplements to treat anaemia and malnutrition in pregnant women, nursing mothers and young children.1 Reports are confirming malnutrition mainly among children.

The **psychological situation** is straining for the youths growing up in the refugee camps. They have been living their whole life with the promise of one day returning to their homeland. In 1991, the UN sent the peacekeeping Mission MINURSO to the Non-Self-Governing Territory of Western Sahara to organize and implement a referendum on self-determination for the Saharawi people. This was supposed to take one year to complete. People born at the time the referendum was supposed to be held, are now turning 27 years old.

Solidarity and identification with the people of Western Sahara and the Saharawi cause are unbroken among the generation of youth. Thanks to information and communication technologies and the recently installed electricity, the isolation of life in the camps is beginning to subside. Access to information and the possibility of being in contact with peers all around the world are giving new opportunities to youths. At the same time, they are also showing them the limited options they have due to the unresolved conflict and are increasing the feelings of injustice and disappointment.

The **socio-economic situation** of the young(er) generation(s) is also marked by limitations. Due to the lack of higher education institutions in the camps, young Saharawis who have the opportunity and means are seeking higher education abroad. Despite many obstacles young Saharawis in general are very well educated, owing also to the emphasis Saharawi society and its government are placing on the education of children and youths. This has led to a lot of well-educated young people who face very limited job opportunities, many which do not match their skills, and few economic perspectives in the camps. A lot of youth are engaged in voluntary work but brain drain is a serious threat and frustration evident.

Despite these difficulties, a return to Western Sahara is not an option for the youth living in the refugee camps. In the occupied territory of Western Sahara young people are facing discrimination concerning access to the labour market and are similarly suffering from a high level of unemployment. Due to a lack of higher education facilities in the territory, youth who seek higher education have to study in mainland Morocco, where they are severely marginalized.

1 SG/SM/18549-REF/1251-WFP/1083, 2 June 2017

The human rights situation in the occupied territory is worrisome. 2 Children and youths are witnessing violence and human rights abuses by the occupying power or are victims themselves.

The lack of perspectives, (possibilities for) development and economic growth is especially difficult to face for the young Saharawi generation taking into consideration the abundant availability of natural resources in Western Sahara. The young Saharawis are deprived from **access to their own resources**, a right that is closely linked to the right to self-determination and secured in numerous UN legal documents, resolutions and reports. We especially want to mention the first Articles of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which state that "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence." The Committee on Economic, Social and Cultural Rights stated in its October 2015 report that the Saharawis must express their prior, free and informed consent to the exploitation of resources, which still has not been respected.3

With this situation persisting, the young Saharawis have neither been asked about the exploitation of resources in their homeland nor do they benefit from. Of the revenues generated from the resource exploitation in Western Sahara, no amount is transferred to the refugee camps. The revenues from the controversial Moroccan exports of phosphate rock alone were an over 200 million US$ in 2016.4 In comparison, the total amount of annual multi-lateral aid given to the Saharawi refugees is around 30 million Euros.

In the occupied territory of Western Sahara only few Saharawis get employment in the sectors related to resource exploitation. Each week, unemployed Saharawis are demonstrating in the streets to protest about their situation, young jobless Saharawis have resorted to hunger strikes in 2016.5 The Saharawi people never gave their consent to the exploration and exploitation of their resources, on the contrary, they have continuously and legitimately reasoned against it.

The stagnation of the UN-led peace process and the disregard of the international legal basis concerning exploitation of resources in Non-Self-Governing Territories by various stakeholders are extremely frustrating and disillusioning for the young generation of Saharawis. While their rights to "full sovereignty over all their natural wealth and resources"6, self-determination and development as stated in the Declaration on the Right to Development and reaffirmed in the Vienna Declaration 7 are ignored, the exploitation of phosphate, sand and salt, as well as of the fishing and agricultural industries in the Non-Self-Governing Territory of Western Sahara is generating considerable revenues they are not benefiting from. Growing up as a Saharawi is extremely difficult, youths have very few prospects, both for their future and in their everyday lives.

It is of utmost priority that the international community takes its responsibility and allows this new generation of Saharawis to take their future in their own hands. We therefore request the Human Rights Council, the Security Council and the Secretary General to immediately take adequate measures, particularly

2 See e.g. condemnation of Morocco by the UN Committee Against Torture in the case of Naâma Asfari, one of the Gdeim Izik activists, 12 December 2016,CAT/C/59/D/606/2014

3 UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the fourth periodic report of Morocco, 22 October 2015, E/C.12/MAR/CO/4*, §5-6

4 Western Sahara Resource Watch, http://www.wsrw.org/a105x3971, (13.07.2017)

5 See e.g. Report of the Secretary-General on the situation concerning Western Sahara, UN doc. S/2016/355 (19 April 2016), §69

6 Declaration on the Right to Development, A/RES/41/128 (4 December 1986), Art. 1, § 2

7 Vienna Declaration and Programme of Action (25 June 1993), Art. 1, § 2. "All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development." For "right to freely dispose of natural resources" see e.g. also Article 1 of ICESCR and ICCPR

- First, by supporting actively the right to self-determination of the Sahrawi people as agreed on in the post-1988 referendum agreement between Morocco and POLISARIO brokered by the UN.

- Second, by supporting the respect of international law concerning the peoples' right to access their own natural resources and thereby to safeguard the principle of prior, free and informed consent of the Saharawis.

- Third, through all necessary measures to guarantee the full respect of all human rights and the protection of human rights defenders in the occupied territory of Western Sahara.

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Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-01493(E)
1801493

Please recycle

Mother Tongue Education for Iranian Ethnic Groups

Education of mother tongue and native culture is an essential human rights factor for any multicultural society like Iranian society. Iranian ethnic groups and their NGOs have always strived for enhancement of the right to educate their mother language in primary schools and universities. In recent years, Azeri and Kurdi languages and cultures are incorporated in the schools and universities curriculum in the western provinces of the country. The universities of the region offer Azeri and Kurdi literature courses and at the primary school level, Torki1 and Kurdi2 school books, along with a book on "local cultures", are added to the curricula.

However, local culture materials, taught in primary schools of some regions, has received various comments from the local NGOs. Arab minorities have expressed concerns over the considerable difference between the formal Arabic language taught at schools and their colloquial or dialectal Arabic, while members of Kurds and Azeri have offered comments on the contents of the recently published Azeri and Kurdi school books. Also, the existing teaching material for "local culture" has received a number of comments.

Being concerned with the minorities' right to language and culture, the Organization for Defending Victims of Violence (ODVV) calls on the Iranian government to magnify its efforts to strengthen its language policies in a way that local language learning is available to all ethnicities. As article 15 of the Iranian constitution clearly emphasizes on the right of minorities to learn their languages, and United Nations Human Rights Committee General Comment No. 24, emphasizes that States cannot deny the minorities' right to language and culture, the government of the Islamic Republic of Iran is recommended to strengthen its policies and offer inclusive ethnic language education to members of all ethnicities.

ODVV also calls on the Ministry of Education of the Islamic Republic of Iran to have a continuous dialogue with ethnic groups, on the content of the educational material for teaching local culture and languages. Minority groups should participate in preparation of the educational materials of their children and a constant consult with members of the ethnic groups will contribute to shared views on the content of the recently designed school books.

ODVV also calls on all NGOs, concerned with teaching local language at school to join each other to engage actively in promoting the education of native languages and reach the target groups living in remote geographical regions.

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1 http://madaniatnews.com/?p=4862

2 http://www.farid14.loxblog.com/post/1

United Nations A/HRC/37/NGO/3

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Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-02111(E)
1802111

Please recycle

Human Rights abuses in Yemen

Saudi Arabia has been a member of the Human Rights Council since 2013. The Council members are required to be committed to protection and promotion of human rights, however Saudi Arabia's recent humanitarian records shows that this government has involved in gross violation of human and humanitarian rights in Yemen.

Yemenis are killed and Injured by Saudi-led coalition

Since the formation of the Saudi-led coalition in 2015, countless cases of human rights and humanitarian law violations have been reported in Yemen. The Saudi-led coalition bombed hospitals, schools, religious sites, and other civilian infrastructure and carried out indiscriminate attacks, killing and injuring civilians.1 Since the escalation of the attacks after formation of the Saudi-led coalition, more than 10000 civilians have been killed and 40,000 injured.2Meanwhile, more than 900,000 Yemenis have been affected by an outbreak of cholera.3

Yemen's city infrastructure is destroyed

The coalition carried out an average of 474 air raids per month with a total number of 15,489 air raids recorded from 26 March 2015 to 15 December 2017. Nearly one third of all air raids (31%) targeted non-military sites, this included: 386 air raids targeted farms, 183 air raids targeted market places, 102 air raids targeted water and electricity sites, 62 air raids targeted food storage sites and 68 air raids targeted medical facilities.4 In addition to killing and injuring people, the conflict has led to displacement of millions of Yemenis and restricted their access to basic services.

Blockade limited access to basic needs

The already horrible situation for the Yemenis is deteriorated by the Coalition's blockade of Yamen. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that more than 3.27 million people had been forcibly displaced in the conflict by October and nearly 21.2 million people, 80% of the population, relied on humanitarian assistance.5 The humanitarian crisis is the result of the Yemen besiege by the Saudi-led coalition which has limited the access of the already poor population to basic need services including food, drinking water, fuel, medicine and medical care, making millions of people suffer from man-made humanitarian crisis.

Civilians are targeted by cluster bombs

Coalition forces used imprecise munitions in some attacks, including large bombs made in the United States of America and the United Kingdom of Great Britain and Northern Ireland, and also continued to use cluster munitions made in the United States and the United Kingdom in their attacks to civilian sites. Such munitions are widely prohibited internationally because of their inherently indiscriminate nature.6

The United States and the United Kingdom sell weapons to Saudi Arabia to kill Yemenis

The existing data on military exports to the Middle East shows serious attempts for supporting the Coalition countries in their attacks to human targets in Yemen by specific countries. In the last three years, the United States, the United Kingdom, France, Germany, Canada, etc. sold huge amount of various types of military equipment to Saudi Arabia and

1 https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/report-yemen/
2 http://www.independent.co.uk/news/world/middle-east/yemen-civil-war-civilian-death-toll-10000-killed-40000-injured-conflcit-un-reveals-a7530836.html
3 http://mailchi.mp/0050f0d53f33/1000-days-of-saudi-led-air-war-in-yemen-218143?e=c5a23e9692
4 http://mailchi.mp/0050f0d53f33/1000-days-of-saudi-led-air-war-in-yemen-218143?e=c5a23e9692
5 https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/report-yemen/
6 https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/report-yemen/

the United Arab Emirates such as drones, missiles and bombs which were used in their attacks to Yemen. Just in 2015, Saudi Arabia's import of military equipment from these countries reached to $25 billion (£18 billion).[7]

This is while all weapon exporting countries that were mentioned above, are members of the Arms Trade Treaty and also a signatory to it. The aim of this Treaty is to reduce human sufferings and contributing to international and regional peace, security and stability.[8] But we see that weapons are used by Saudi Arabia and its allies for extensive human rights violations and war crimes in Yemen, resulting in the displacement of 2.5 million people in just less than one year.

Furthermore, the United States has been a party to the conflict since the first months of fighting, providing targeting intelligence and in-air refueling. The United States said it had deployed some troops in Yemen to aid the United Arab Emirates and its own campaign.[9] And despite pressure from numerous human rights organizations, the United States has continued to support Saudi Arabia in its blockade too.[10]

International reactions against humanitarian situation in Yemen

The humanitarian calamity happening in Yemen made the international community to react against Saudi Arabia and the United Arab Emirates attacks. Part of the international reaction to the situation can be seen in UN resolutions. In the resolution adopted by the Human Rights Council on 29 September 2017 on human rights, technical assistance and capacity-building in Yemen, the Council condemns the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen. Therefore, a group of eminent international and regional experts was mandated by council to monitor and report on the situation of human rights, and to carry out a comprehensive examination of all alleged violations and abuses of international human rights. It is hoped that the independent Commission (the Group of Eminent Experts on Yemen) will take practical steps to hold the criminals responsible for the crimes, putting an end to the impunity of the perpetrators and guarantee the Yemen victims access to justice, remedy and redress.

Recommendations

Emphasizing the statistics and facts mentioned above, ODVV calls on:

1- the Saudi Arabia to uphold its international obligations, specially its obligations as a Council member, to promotion of human rights;
2- the Saudi Arabia to carry out an accurate investigation of war crimes committed by its forces, since the country's international obligations requires it to investigate allegations of war crimes and hold those responsible to account;
3- the United Nations to facilitate the urgent access of Yemeni people and their families to suitable compensations;
4- the United States, United Kingdom, and countries to stop selling weapons to Saudi Arabia and United Arab Emirates to avoid their cooperation in the ongoing war crimes in Yemen;
5- the Human Rights Council to consider suspending the membership of the member states who are convicted of gross violation of human rights by international human rights bodies;
6- the GEE (Group of Eminent Experts on Yemen) to reflect all the facts about the crimes committed in Yemen in its September 2018

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7 http://www.independent.co.uk/news/world/middle-east/saudi-arabia-accused-of-killing-up-to-30-civilians-in-market-bombing-in-yemen-ahead-of-arms-trade-a6901126.html

8 https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf

9 https://www.hrw.org/world-report/2017/country-chapters/yemen

10 http://www.adhrb.org/2017/12/saudi-led-coalitions-actions-in-yemen-come-under-increasing-us-scrutiny/

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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GE.18-01494(E)
1801494

Please recycle

ID with SR on Freedom Religion and Belief Oppression of the Shia in Saudi Arabia

As a religious minority, the Shia have always been subject to systematic discrimination and persecution in Saudi Arabia 1. Unfortunately, the Human Rights Council has not taken any serious step to address the suppression of Shia in Saudi Arabia yet.

The Saudi Arabia government has not taken practical steps to eliminate the widespread discrimination against Shia, despite the criticism expressed by the world2 and international human rights organizations3 toward the breaches of Shia human rights in Saudi Arabia. The Shia human rights defenders suffer from various forms of violence including, arbitrary detentions, long term imprisonments without trial, and summary executions. Moreover, there are reports of destruction of Shia historical sites, historical identity, as well as their towns and houses.

Deteriorating situation of human rights defenders in Saudi Arabia

According to the latest report of the Special Rapporteur on freedom of expression and belief on second of January, 2018, More than 60 prominent religious figures, writers, journalists, academics, and civic activists are reported to have been detained in Saudi Arabia since September, 4 adding to the number of cases already referred to as sources of concern by the UN experts. The report criticizes the country's continued persecution of human rights activists and critics despite being elected as a member of the Human Rights Council in 2016. 5

The report also blames the Saudi Arabia for the new wave of arrests since September 2017 as well as the States' failure to implement the two opinions announced by the UN Working Group on Arbitrary Detention (A/HRC/WGAD/2015/38 and A/HRC/WGAD/2017/63), that decides 10 individuals are arbitrarily detained in Saudi Arabia. 6

While various reports of international human rights organizations about arbitrary detentions in Saudi Arabia indicate that a high number of the detainees are Shia human rights defenders7, the Special Rapporteur on minority Rights has not mentioned the Shia minority, at least in the reports offered within the last two years.8

Striving for their right to life

The Shia in Saudi Arabia are in the worst possible situation in comparison to other minority around Muslim communities, since strive to be identified as a minority. Wahhabi school of thought that has a great influence in the political system of Saudi Arabia, considers Shiism a deviation from Islam and believes that the Shia deserve the most severe forms of punishment, in a way that the Salafi and Wahhabi clerics, both in Saudi Arabia and inside terrorist groups such as ISIL and al-Qaeda, allow the killing of Shia and identify them as the worst enemies of God9. Therefore the Shia's main challenge in Saudi Arabia is not to protect their political and social rights, but to defend their right to life and to combat to be identified as a minority with the right to life.10

1 https://www.huffingtonpost.com/alastair-crooke/isis-wahhabism-saudi-arabia_b_5717157.html
2 http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22570&LangID=E
3 http://www.gc4hr.org/news/index/country/3
4 http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22570&LangID=E
5 http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22570&LangID=E
6 http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22570&LangID=E
7 http://www.gc4hr.org/news/index/country/3
8 http://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/Annual.aspx
9http://www.alifta.net/fatawa/fatawaDetails.aspx?languagename=en&BookID=14&View=Page&PageNo=1&PageID=5429
https://vimeo.com/56079107
https://www.vox.com/2015/1/26/7877619/saudi-arabia-questions
10 https://www.huffingtonpost.com/alastair-crooke/isis-wahhabism-saudi-arabia_b_5717157.html

Despite living in the east of the country with oil rich lands, they have profited little from the country's wealth. Some 10 percent of Saudi Arabia's 30 million citizens are Shia who has never had the right to protest.11 the last time they got the chance to rally to the streets against the government was during the so-called Arab Spring in 2011, that was severely suppressed by security forces.

The absence of freedom of religion

The Saudi Arabia government does not respect religious freedom in law and practice. The Muslims who do not obey the government's interpretation of Islam face significant political, economic, legal, social, and religious discrimination, including limited employment and educational opportunities, under-representation in official institutions and restrictions on religious practice. The members of Shia who claim their human rights or exercise their rights face sever punishments. The government has sentenced several Shia clerics to death, 12 just in one case 47 Shias executed in January 2016 one of whom was prominent Sheikh Nimr al-Nimr.13

Forced displacements of Shia in Saudi Arabia

Shia Muslims cannot enjoy citizens' rights equal to the majority of Saudi Arabia and there has been various reports criticizing the systemic state discrimination against the minority group.14 Apart from the limited opportunities for Shia to exercise their political rights, there have been various reports of forced displacements and evictions of Shia and demolitions of their houses; a famous case of this was in Al-Masora neighborhood in Awamia, on 5th of April, 2017.15 The Saudi Arabia's forces razed the historic quarter of a largely Shia town after months of clashes with gunmen in the area. The move was the culmination of a three-month government campaign to root out gunmen from the 400-year-old Musawara neighborhood of Awamiya. The area Musawara is home to up to 3,000 people.16

Summary executions of the Shia

In the last years, there have been many cases of death penalty against Shia citizens in Saudi Arabia. Abbas al-Hassan is a Saudi citizen and father of four from the Shia majority town of al-Ahsa in the Eastern Province, who has been convicted and sentenced to death in an unfair trial. He is at imminent risk of execution by the Saudi government.

Al-Hassan was arrested in June 2013, along with 31 other men for alleged ties to Islamic Republic of Iran and espionage. The Saudi government held him incommunicado for over three months, during which time they tortured him into confessing to the charges against him. The charges include treason and support of terrorism, as well as blatant political and religious charges – recruiting individuals in the media to hinder the reputation of the state, supporting riots and protests, and supporting the spread of Shia doctrine. The Saudi government held al-Hassan in detention for more than three years while preparing the case against him, yet demanded that the defense be ready to proceed in only three weeks.17 On 6 December 2016, the Specialized Criminal Court in Riyadh sentenced al-Hassan and 14 other men to death, a decision which was upheld by the Appeals Court in July 2017.

On December 21, 2017, Ali al-Nimr turned 23-years-old while he was on death row in the country's prison. It was his sixth birthday in prison after being arrested in February 2012 for participating in a peaceful pro-democracy rally in Saudi Arabia's Eastern Province.

Ali al-Nimr was just 17-years-old when he was arrested on 14 February 2012 in Qatif, a town in Saudi Arabia known to be a center for pro-democracy demonstrations. After arresting him, officers of Saudi Arabia's General Intelligence Directorate interrogated him and tortured him. Ali signed a confession that one of his interrogators wrote for him, even

11 http://www.dw.com/en/is-saudi-arabia-waging-war-on-its-shiite-minority/a-40045513

12 http://america.aljazeera.com/articles/2016/1/2/saudi-arabia-executes-47-including-prominent-shia-cleric.html

13 http://www.middleeasteye.net/news/saudi-executes-47-including-top-shiite-cleric-1355312477

14 https://www.hrw.org/report/2009/09/03/denied-dignity/systematic-discrimination-and-hostility-toward-saudi-shia-citizens

15 http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21482&LangID=E

16 http://www.cnn.com/2017/08/12/middleeast/saudi-arabia-awamiya/index.html

17 http://www.adhrb.org/2017/12/profiles-in-persecution-abbas-al-hassan

though he did not understand what he was signing. Throughout his interrogation and prior to his trial Saudi authorities denied Ali the right to speak with a lawyer.18

Authorities referred Ali's case to the Specialized Criminal Court (SCC), the country's national security court system that is responsible for trying terrorists. Ali had his first hearing in mid-December 2013, where he was charged with participating in demonstrations, chanting slogans hostile to Saudi Arabia, and possessing and throwing Molotov cocktails. In late-May 2014 after six trial sessions, the SCC in Jeddah sentenced him to death. His trial was conducted in secret, and authorities did not allow his family or lawyer to be present, nor did authorities tell them about the court proceedings.19

Munir Al Adam is one of almost 46 political prisoners at risk of execution in Saudi Arabia for spurious charges related to peaceful expression, assembly, association, and belief that do not meet the threshold of "most serious crimes." Security forces arrested Munir on 8 April 2012 near Awamiyah in the Eastern Province. While in detention, officials held him in solitary confinement and tortured him, forcing him to confess to a number of crimes. As a result of the torture, Munir lost hearing in one ear. Though a doctor recommended surgery, authorities denied him the operation, causing him to become permanently deaf in that ear.20

Recommendations:

The Organization for Defending Victims of Violence (ODVV) is for the consideration of all human rights violations around the world and especially that of Shia minorities in Saudi Arabia, and requests the Special Rapporteur on the rights of minorities to visit Saudi Arabia as soon as possible and to report on the situation of Saudi Shia citizens in her next report. Such report can emphasize on Human Rights Council's strong determination to fight against violation of minority rights for all groups of minorities around the globe and to the credibility and unbiasedness of the Council.

ODVV also calls on the United Nations Human Rights Council to address the systematic violation of the Shia minority rights in Saudi Arabia. Because efforts to destroy the culture, history, and identity of the Shia are seriously followed by the Saudi government.

We invite all UN members to end the membership of the Saudi Arabia in Human Rights Council due to the oppressive behavior of its government against minorities, political activists, and human rights defenders.

18 http://www.adhrb.org/2017/12/ali-al-nimr-spends-another-birthday-on-death-row/

19 http://www.adhrb.org/2017/12/ali-al-nimr-spends-another-birthday-on-death-row/

20 http://www.adhrb.org/2017/12/adhrb-and-esohr-condemn-munir-al-adams-impending-death-sentence/

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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1801495

Please recycle

Interactive Dialogue with the High Commissionaire Human Rights Situation in Yemen, Myanmar and OPT (Occupied Palestinian Territories)

In line with the annual report presented by the United Nations High Commissionaire for Human Rights on the situation of human rights around the world, the Organization for Defending Victims of Violence (ODVV) would like to express its concerns over the continuous conflicts in Yemen, the consequences of the long term occupation of OPT (Occupied Palestinian Territories) and the persistent atrocities in Myanmar.

Yemen

The statistics of 1000 day of Yemen war looks quite hideous. The death toll amounts to about 14,000, including about 3000 children while another 3000 children are injured. There are also indirect effects of the conflict including the spread of cholera epidemic which has addicted 940 thousand1 and taken the lives of more than 23002.

The steady war in Yemen has also lead to the displacement of about 3 million people and destruction of infrastructures, including "827 schools and educational institutions, 118 academic units, 30 media centers, 301 hospitals and health centers, 1,684 government centers, 174 power plants, 524 sources and water supply networks, 387 communication networks and 106 sports facilities, 15 airports, 14 ports, 2144 roads and bridges, 3378 vehicles, 548 food stores, 251 fuel tankers, 593 commercial markets, 300 factories, 337 gas stations, 692 warehouses, 245 poultry and cattle".3

- A review of the data on Yemen shows that the majority of the sites destructed in Yemen had been targeted by the Coalition invasions. Being seriously concerned about the humanitarian tragedies in Yemen, ODVV calls on the Security Council to use its political power and urge all Yemen parties to resort to political solutions to the conflict and also prevent Saudi Arabia and the United Arab Emirates to stop killing of civilians and destruction of city infrastructures in Yemen.
- Also ODVV urges the members of the international community to contribute to the Yemen Humanitarian Response Plan fund so that the plan can reach the 124 million people it was supposed to support while the population in urgent need of humanitarian help is estimated to be a staggering 22 million people5.

Myanmar

Myanmar atrocities continue unabated despite the serious concerns expressed by UN experts and State officials condemning the crimes and the UN repeated calls on the government to end military operations. The catastrophic displacement of 600,000 Muslim Rohingya, continuous killings of thousands of Rohingya6 and other crimes including rape, torture and arson reported by eye witnesses have forced huge numbers to flee to Bangladesh.

Stressing the responsibility of Myanmar government to protect its population against mass killings; echoing the frequent calls of the United Nations especially the President of the Security Council7; and expressing grave concerns over the persistent crimes against the Rohingya, ODVV calls on Myanmar government to:

- Ensure the access for a U.N. fact-finding mission to the region.
- End the atrocities and excessive use of military force against Rohingya in the country.

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1. http://whatsupic.com/index/how-many-people-in-yemen-died-over/
2. http://www.straitstimes.com/world/middle-east/115-dead-as-yemen-cholera-outbreak-spreads-icrc
3. previous source
4. www.bbc.com/news/av/.../eighty-per-cent-of-yemen-s-population-in-need-of-aid-un
5. https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwiys56EscrYAhUIzmMKHcUCB24QFggpMAI&url=https%3A%2F%2Freliefweb.int%2Freport%2Fyemen%2Fstatement-humanitarian-organizations-yemen-allegations-corruption-and-bias-provision&usg=AOvVaw0gHEocaBCFBaqs8aV6b-hv
6. http://www.cnn.com/2017/12/14/asia/myanmar-rohingya-msf-intl/index.html
7. https://www.un.org/press/en/2017/sc13055.doc.htm

- Implement the recommendations by the Advisory Commission on Rakhine State and the United Nations suggested mechanisms to assist the return of the displaced Rohingya to their homes, guaranteeing their security and ensuring their access to humanitarian aid.
- In addition, ODVV calls on the Security Council to use its political power and to urge the Myanmar government to end the ongoing atrocities, and ensure non-recurrence of the violence by bringing perpetrators of the crimes to justice and addressing the root causes through elimination of discrimination against the Rohingya minority.

Occupied Palestinian Territory (OPT)

In the OPT, the unending tragedy is reflected in the deteriorating situation of human rights in the West Bank, including East Jerusalem, and Gaza. In Gaza, the severe electricity crisis has negatively affected hospitals and medical facilities, violating the people's right to life and right to health, although the announcement about the resumption of power supplies to Gaza sounds to be promising8. There is serious lack of clean water and the related infrastructures as well as the unhealthy discharge of untreated sewage into the Mediterranean Sea, in a way that, only humanitarian interventions of the international organizations could prevent "the complete collapse of the health sector" during previous periods of crises.9 This is while, the travel restrictions, set by Israel, limits the patient's vital access to medical care, adding to the complexity of the situation and jeopardizing the right to life in the region for those who have to seek medical treatment abroad.

In the West Bank and East Jerusalem, construction of new settlements and demolition and eviction of Palestinian's homes has shattered any hope for a peaceful solution in addition to violation of the Palestinians right to freedom of movement, right to education, right to health, right to land and natural resources and the right to development.

The illegality of the long term Israel occupation under international law is proven in the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, on October 201710.

- Noting the Special Rapporteur's valuable report, ODVV echoes the recommendations offered by the Special Rapporteur to Israel to stop11 the 50 – years occupation of OPT.
- In line with the recommendations offered by the Special Rapporteur on OPT, ODVV also urges the United Nations General Assembly to mandate a United Nations study to investigate the legality of Israel's continued occupation of OPT.

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8 https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-experts-welcome-resumption-power-supplies-gaza

9 According to World Health Organization (WHO)

10 A/72/556

11 Previous source

United Nations A/HRC/37/NGO/6

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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 January 2018]

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Please recycle

Human rights in Occupied Palestinian Territory

The Palestinian Return Centre (PRC) is extremely concerned about the complicity of the international community with Israel's ongoing military occupation, apartheid regime and settler colonialism.

Israel's targeting of Palestinian children

Amnesty International has called on Israeli authorities to release a 16-year-old Palestinian activist Ahed Tamimi from the village of Nabi Saleh, who could face up to 10 years in prison over an altercation with Israeli soldiers in the occupied West Bank in December 2017. The minor will go before Ofer military court and is accused of 12 charges after a video showing her initially pushing Israeli occupation forces standing in her home's front yard. From the video footage available it is clear that Ahed Tamimi began slapping and kicking only after the soldier slapped her twice in an attempt to quell her pushing. The same day Ahed Tamimi was arrested her cousin Mohammed (14) has been placed into a medically-induced coma after Israeli soldiers shot him in the face with a rubber bullet during a protest. 1

According to Magdalena Mughrabi, Deputy Director for the Middle East and North Africa at Amnesty International, "Nothing that Ahed Tamimi has done can justify the continuing detention of a 16-year-old girl. The Israeli authorities must release her without delay. In capturing an unarmed teenage girl's assault on two armed soldiers wearing protective gear, the footage of this incident shows that she posed no actual threat and that her punishment is blatantly disproportionate." 2
Israel is the only country in the world that automatically prosecutes children in military courts that lack basic and fundamental fair trial guarantees, according to Defense for Children International (Palestine).3

Threat to the status of Jerusalem

The recent decision by the United States of America's president Donald Trump4 to unilaterally declare Jerusalem as the capital of Israel, and initiate plans to relocate the US embassy from Tel Aviv to Jerusalem, is serving to entrench Israel's control of the city and denial of Palestinian sovereignty. In response 14 members of the UN Security Council voted in favor of a resolution calling for Donald Trump to rescind his declaration that Jerusalem is the capital of Israel but the US vetoed the resolution.5 This led to a UN General Assembly resolution calling on the US to widraw its recognition of Jerusalem as the capital of Israel. The resolution was approved by 128 states, with 35 abstaining and nine voting against.6 The text says that any decisions regarding the status of the city are "null and void" and must be cancelled.7

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1 Ashly, J. (2018). Palestinian teen in coma after shot with rubber bullet. [online] Aljazeera.com. Available at: http://www.aljazeera.com/news/2017/12/palestinian-teen-coma-shot-rubber-bullet-171217210649934.html [Accessed 19 Jan. 2018]

2 Amnesty.org. (2018). Israel: Release teenage Palestinian activist Ahed Tamimi. [online] Available at: https://www.amnesty.org/en/latest/news/2018/01/israel-release-teenage-palestinian-activist-ahed-tamimi/ [Accessed 19 Jan. 2018].

3 Defense for Children Palestine. (2018). Military Detention. [online] Available at: http://www.dci-palestine.org/issues_military_detention [Accessed 19 Jan. 2018].

4 The White House. (2017). Statement by President Trump on Jerusalem. [online] Available at: https://www.whitehouse.gov/briefings-statements/statement-president-trump-jerusalem/ [Accessed 19 Jan. 2018].

5 Osborne, S. (2017). UN votes 14-1 to condemn Donald Trump's Jerusalem decision, as US vetoes resolution. [online] The Independent. Available at: http://www.independent.co.uk/news/world/americas/us-politics/un-donald-trump-jerusalem-israel-capital-resolution-veto-us-nikki-haley-a8117741.html [Accessed 19 Jan. 2018].

6 BBC News. (2017). UN rejects Trump's Jerusalem declaration. [online] Available at: http://www.bbc.co.uk/news/world-middle-east-42446027 [Accessed 19 Jan. 2018].

7 Un.org. (2017). United Nations Official Document. [online] Available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/ES-10/L.22&Submit=Search&Lang=E [Accessed 19 Jan. 2018].

Donald Trump's declaration also violates previous UN resolutions on the status of Jerusalem. United Nations General Assembly Resolution 181 stipulated that "The City of Jerusalem shall be established as a *corpus separatum*..." While the resolution is problematic in that it attempts to strip Jerusalem from the Palestinian polity by conferring it an "international status", in legal terms Trump's declaration of Jerusalem as the capital of Israel remains illegal. Further, Following the Six-Day War, Israel's settler colonial project expanded with the conquest of the Occupied Palestinian Territory and other Arab lands. After the 1967 War the United Nations passed resolution 242 calling on Israel to withdraw from territories occupied and return to the status quo for Jerusalem. When in 1980 the Israeli government legalized the annexation of Jerusalem through a Knesset bill which also declared it the capital of Israel, the UN Security Council issued three separate resolutions (S/RES/ 465, S/RES/ 476 and S/RES/) that asserted Israel's action to be illegal.

US Administration cuts vital aid to UNRWA

Due to the United States' recent decision to withhold US$ 65 million of funding from the UNRWA, the UN agency dedicated to providing vital support to 5 million Palestinian refugees is facing the greatest funding crisis in its history. This has already caused UNRWA to layoff dozens of teachers in East Jerusalem and the West Bank and about 100 workers in 13 refugee camps in Jordan.8 Belgium announced that it would pledge US$ 23 million to UNRWA in response to Trump's cut.9 The UN agency provides services to Palestinian refugees in the Palestinian occupied territories, Syrian Arab Republic, Jordan and Lebanon.

The Palestinian Return Centre calls on member states of the Human Rights Council to step in and fill the funding gap created by the United States and ensure that UNRWA continues to provide services until a just resolution to the question of Palestinian refugees is found. It is imperative that any resolution to the Palestinian refugee problem is based on the refugee's legitimate right of return as enshrined in UN resolution 194.

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8 haaretz.com. (2018). UNRWA begins laying off workers ahead of expected cut in U.S. aid. [online] Available at: https://www.haaretz.com/middle-east-news/palestinians/unrwa-begins-laying-off-workers-ahead-of-expected-cut-in-u-s-aid-1.5742386 [Accessed 19 Jan. 2018].

9Federal Public Service Foreign Affairs. (2018). Belgium pledges multi-annual support to UNRWA, the UN Agency assisting Palestinian refugees. [online] Available at: https://diplomatie.belgium.be/en/newsroom/news/2018/belgium_pledges_multi_annual_support_to_unrwa [Accessed 19 Jan. 2018].

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Human rights situations that require the Council's attention

Written statement* submitted by Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

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Please recycle

Palestinian refugees in Jordan

The Palestinian Return Centre is deeply concerned with the situation of refugees from Gaza and Palestinian refugees from the Syrian Arab Republic (PRS) residing in Jordan, and would like to bring to the Council's attention the discriminatory policies enforced by the government of Jordan on these communities.

Jordan has ratified human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic and Social Rights (ICESCR), and the Convention to End all Forms of Racial Discrimination which makes it liable to respecting, protecting and fulfilling key tenants of human rights for its Palestinian refugee population, especially Article 2 (1) of the ICCPR, which states that 'each State Party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'1 The right to work in relation to PRG will be discussed as well as the duty of non-refoulement, and the right to movement in relation to PRS.

According to UNRWA's records as of 2016, there are 2,175,491 registered Palestinian refugees in Jordan.2 Almost 140,000 are Gazan refugees3 and nearly 17,000 are PRS.4 18% of Palestinian refugees reside in one of the 13 recognised and unrecognised refugee camps,5 which suffer from poverty, overcrowding, unemployment, poor housing conditions and fractured infrastructure. The living situations of Palestinian refugees are deteriorating as UNRWA halted its e-ration cards and cash assistance indefinitely.6 While the situation of Palestinian refugees in Jordan is better than in other UNRWA operation areas, the discriminatory policies they face are alarming.

Refugees from Gaza

Ex-Gazans, are understood by the Jordanian government to be those who are originally from Gaza or those who may have taken refuge in Gaza in 1948 and were subsequently displaced to Jordan.7 They hold a temporary two-year Jordanian passport with no national identification number, which renders them stateless. This allows the government to treat its holders as foreigners and allows it under Article 19 of the specified Law No. 24 of 1973 on Residence and Foreigners' Affairs to 'cancel a residence permit already granted to [the foreigner] and order him to leave the Kingdom without explanation.'8 These refugees mainly reside in the camps of Marka, Jerash, and Talbiyeh, with over 28,000 in the Jerash camp, which has the most dismal infrastructure.

The Right to Work

The lack of economic opportunities, in addition to the governmental restriction on permissible professions, and the work permit requirement for Gazan refugees have all resulted in a drastic deterioration of their living situations. 52.7% of Gazan refugees within the Jerash camp have an income below the national poverty line of 814JD.9 Moreover, Gazan

1 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html>

2 "Jordan | UNRWA", *UNRWA*, last modified 2017, accessed January 20, 2017, https://www.unrwa.org/where-we-work/jordan

3 Dario Sabaghi, "Born & Bred Without Rights: Gaza Strip Refugees In Jordan", *Insight On Conflict*, last modified 2017, accessed July 22, 2017, https://www.insightonconflict.org/blog/2015/07/born-bred-without-rig

4 Amin, K. (2017). *Health & Status of Palestine Refugees from Syria In Jordan: Situational Analysis*. John Snow Inc. (JSI)

5 Jordan | UNRWA", *UNRWA*, last modified 2017, accessed January 20, 2017, https://www.unrwa.org/where-we-work/jordan

6 Interview with Palestinian Refugees from Gaza in Jordan. No public announcement has been made regarding this issue.

7 Åge Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity Insights Into The Socio-Economic Conditions Of Palestinian Refugees In Jordan* (Norway: Fafo, 2013), accessed June 17, 2017, P .32 https://www.unrwa.org/sites/default/files/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.

8 *Jordan: Law No. 24 of 1973 on Residence and Foreigners' Affairs* [], 1 January 1973, available at: http://www.refworld.org/docid/3ae6b4ed4c.html

9 "Jerash Camp." UNRWA. Accessed January 20, 2018. https://www.unrwa.org/where-we-work/jordan/jerash-camp.

refugees are three times more likely than other Palestinians in Jordan to be among the destitute poor, living on less than 1.25 USD a day.10

Under international law, Jordan is bound to respect the rights enshrined in the ICESCR, which it ratified in 1975. Article 6 stipulates that 'Parties to the present Covenant recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right '11 Likewise, Article 5 (e) (i) of the Convention on the Elimination of all Forms of Racial Discrimination (CERD), which Jordan ratified in 1974, states that 'the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration'12 should be enjoyed by everyone without distinction as to race, colour, or national or ethnic origin.

Nonetheless, Jordanian labour laws and those concerning refugees without citizenship breach its obligations under international law and create numerous obstacles to refugees' employment opportunities.

- Firstly, the Jordanian Labour law of 1966 stipulates that non-Jordanians are not allowed to work in the public service, and only 10% of those working in public service are Palestinian Jordanians with citizenship.13
- Secondly, the private sector requires proof of nationality and clearance from the General Intelligence Department;14 ex-Gazan are stateless individuals with no nationality to offer employers.
- Thirdly, given the fact that national ID numbers are conditions for entry into syndicates, Palestinian refugees from Gaza are excluded from the right to work in professions requiring syndicate membership including law, engineering, medicine and journalism.15
- Fourthly, Gazan refugees cannot own any business enterprise or property according to Law No. 40 of 195 on the Rent and Selling of Immoveable Properties.16

Moreover, in January 2016, the Jordanian government decided to require work permits from Gazan refugees to work in the private sector costing 180JDs,17 while the decision was announced to be revoked, as of January 2018, Gazan refugees still pay 60JDs to issue work permits.18 If a refugee changes jobs, he she has to issue a new work permit, the cost of which, many cannot afford. Such obstacles have caused the unemployment rate of ex-Gazans, specifically those in the Jerash camp to rise to 39% (81% among women and 25% among men) compared to only 14% for other Palestinian refugees in Jordan.19

Palestinian refugees from Syria (PRS)

The Obligation of Non-refoulement

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10 Åge Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity Insights Into The Socio-Economic Conditions Of Palestinian Refugees In Jordan* (Norway: Fafo, 2013), accessed June 17, 2017 P. 8 https://www.unrwa.org/sites/default/files/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.

11 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: http://www.refworld.org/docid/3ae6b36c0.html

12 UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: http://www.refworld.org/docid/3ae6b3940.html

13 Domenique Sherab, *Making The Legal Obstacles Palestinians Face In Jordan* (Amman: Arab Renaissance for Democracy and Development- Legal Aid, 2017), accessed July 4, 2017, https://ardd-jo.org/sites/default/files/resource-files/mapping_the_legal_obstacles_palestinians_face_in_jordan_en.pdf

14 Ibid

15 Ibid

16 Ibid

17 Adnan Abu Amer, "Palestinians in Jordan outraged over new work permit requirements," Al-Monitor, February 04, 2016. , accessed January 20, 2018, https://www.al-monitor.com/pulse/originals/2016/02/jordan-work-permits-palestinian-refugees.html

18 Interview with Palestinian Refugees from Gaza in Jordan

19 "GazaCamp,Jordan,BackgroundPaper-TheCommunityDevelopment Office". *Arabnyheter.Info*. Last modified 2013. Accessed July 3, 2017. http://arabnyheter.info/sv/2013/08/05/gaza-camp-jordan-background-paper---the-community-development-office/

In 2012, Jordan started denying entry to Palestinian refugees fleeing Syria, while simultaneously allowing Syrian refugees entry into the country.20 This policy extended to PRS already within the country, whereby according to the Syria Needs Analysis Project (SNAP) authorities deported over a 100 Palestinians back to Syria between 2013 and 2014.21 Moreover, UNRWA reported the refoulement of 22 PRS in 2017.22 While Jordan is not a signatory to the Refugee Convention which prohibits refoulement in Article 33,23 it has ratified the Convention Against Torture which stipulates in Article 3 that 'no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.'24 Since torture has a wide definition which includes: cruel, inhuman and degrading treatment, this discriminatory refoulement policy, which returns PRS to an environment where they live in dismal human conditions where their right to life is threatened, constitutes a breach of Jordan's legal obligations.

The Right to Movement

Jordan denies freedom of movement to some PRS. Article 12 of the ICCPR states that 'everyone lawfully within the territory of a State shall, within the territory have the right to liberty of movement and freedom to choose his residence.'25 Regardless of Jordan's ratification to the ICCPR, its treatment of some PRS contravenes its legal obligations. 200 PRS were held in the 'Cyber city' camp, which is enclosed by a fence and has checkpoints restricting refugees' movements.26,27 Given the fact that Jordan allows its citizens and other foreign residents to travel freely, the restrictions imposed on the Palestinian community from Syria constitutes a discriminatory policy. In General Comment 27, the Human Rights Committee stipulated that 'Liberty of movement is an indispensable condition for the free development of a person,'28 and is closely related to the actualisation of other rights codified within the ICCPR.

Conclusion

The discriminatory policies, and the disregard of certain human rights have psychological, economic, and social effects on Gazan refugees and PRS in Jordan. While the Jordanian government is liable to all of the human rights violations enumerated within the report, it is important to note Israel's complicity in perpetuating the suffering of Palestinian refugees by restricting their right of return. Consequently, the Palestine Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Demand the Jordanian government to comply with the international treaties which it has ratified including the ICCPR, ICESR, CERD, and CAT as compliance would ensure a much better protection of the human rights of Gazan refugees and PRS.
- Take strong measures to pressure Jordan to halt its discriminatory policies against ex-Gazans and PRS when it comes to employment, freedom of movement, and non-refoulement.
- Provide support to the Jordanian government as it struggles to cope with its refugee crisis.
- Urgently aid UNRWA in Jordan in order to continue its assistance and services to the beneficiary community.

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20 Magid, A. (2014). Jordan admits to barring entry of Palestinian refugees from Syria. [online] *Al-Monitor*. Available at: https://www.al-monitor.com/pulse/originals/2014/07/jordan-palestinians-syria-refugees-unrwa-hrw.html#ixzz4yJyyCau9 [Accessed 6 Dec. 2017].

21 *Syria Needs Analysis Project* (2014). Palestinians from Syria. [online] Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/palestinians_from_syria_march_2014.pdf [Accessed 6 Dec. 2017].

22 UNRWA (2017). *Jordan: emergency appeal mid-year achievements 2017*. [online] UNRWA. Available at: https://www.unrwa.org/sites/default/files/content/resources/2017_jordan_emergency_appeal_mid-year_achievements.pdf [Accessed 6 Dec. 2017]

23 Article 33: 'No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, member- ship of a particular social group or political opinion.'

24 UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at http://www.refworld.org/docid/3ae6b3a94.html [accessed 23 January 2018]

25 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html>

26 UNRWA. (2017). *PRS in Jordan* | UNRWA. [online] Available at: https://www.unrwa.org/prs-jordan [Accessed 6 Dec. 2017].

27 Hassan, H. (2014). Palestinian refugees from Syria war left to suffer by Jordan. [online] *e Electronic Intifada*. Available at: https://electronicintifada.net/content/palestinian-refugees-syria-war-left-suffer-jordan/13229 [Accessed 6 Dec. 2017].

28 UN Human Rights Committee (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, CCPR/C/21/Rev.1/Add.9, available at: <http://www.refworld.org/docid/45139c394.html>

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Please recycle

The Relief Performance of UNRWA in light of the Syrian Crisis and the consequences of the funding shortage

Introduction:

The Palestinian refugees in the Syrian Arab Republic and those refugees that have been displaced from it are living in extremely difficult humanitarian conditions, amid a sharp decline in the relief and humanitarian work, which were provided by the active relief organizations in this field in general, and UNRWA, the international organization assigned to deal with the Palestinian refugees in particular.

The Palestinian refugees in Syria are being subjected to serious violations, which UNRWA highlighted on several occasions. In one of its statements, UNRWA said that: "The Palestinian refugees in Syria are being killed, injured and displaced in numbers greater than ever before, at a time where armed fighting continues to baffle the refugee camps all over the country."1 According to the Action Group for Palestinians of Syria's Monitoring and Documentation Team, 3629 Palestinian refugees have died due to the fighting in Syria in the time period between March 2011 and December 2017. 475 of those have died because of torture in the Syrian government prisons and detention centers, while 1644 have forcibly disappeared.

Refugees' Census and Distribution

Before the Syrian war, UNRWA estimated the number of Palestinian refugees in the Syrian Arab Republic at 530,000. Approximately 80% of the refugees lived in Damascus, while the majority of the refugees living in other areas of the country, live inside and around the camps close to the great cities of Homs, Hama, Aleppo, Lattakia and Deraa.
UNRWA stated that approximately 270,000 Palestinian refugees have been internally displaced in Syria. Almost 47,000 Palestinian refugees are living in the areas affected by the war and in locations difficult to reach. 2 About 31,000 refugees have fled to Lebanon and another 18,000 moved to Jordan.
Estimated statistics reveal that about 85,000 have migrated to Europe, 6,000 to Egypt, 8,000 to Turkey and 1,000 Palestinian Syrians are in Gaza.

UNRWA and the Syrian Crisis

UNRWA began its work in the Syrian Arab Republic in mid-1950, providing its services in the medical, educational and relief fields, in coordination with the Syrian Government and through the General Authority for Palestinian Arab Refugees, which is affiliated to the Ministry of Social Affairs and Labor. This is in accordance with the legal basis governing its relationship with the host countries.
The United Nations General Assembly had announced in its declaration number 302 (D-4), on December 8th, 1949, the establishment of the United Nations Relief and Works Agency, without prejudice to the provisions of paragraph 11 of the General Assembly's resolution number 194 (D-3) published on December 11th, 1948 3, on the need for continued relief assistance to the Palestinian refugees and the prevention of famine and destitution among them.

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1 United Nations Relief and Works Agency for Palestine Refugees (UNRWA), on Tuesday, 30 April 2013.

2 https://www.unrwa.org/sites/default/files/content/resources/2017_aor_arabic_final.pdf

3 Page 7 Declaration No. 194 Paragraph 11: "It has been decided that the return of refugees wishing to go back to their homes and live in peace with their neighbors, should be allowed as soon as possible. Compensations must be paid for the property of those who decide not to return to their homes and for every missing or affected person, in cases where in accordance with the principles of law, it is necessary to compensate for that loss or damage by the responsible Governments or authorities. It demands the Conciliation Commission to facilitate the repatriation and resettlement of refugees, and rehabilitate them economically and socially, as well as paying their compensations and maintaining

In addition to providing calm and stable conditions, and working as a dedicated and temporary agency, with a renewal of its mandate every three years, until a just solution to the Palestinian issue is found. UNRWA differs from its international institutions counterparts, since 94% of its funds come from sponsors and 4% come from the United Nations' regular budget. 4

UNRWA's Relief Response to the Syrian Crisis towards the Palestinian Refugees from Syria

During the period before the Syrian crisis, UNRWA provided its relief services according to an emergency system, not based on a fixed and ongoing program in the medical and educational services. Its work was limited to some emergency cases. However, amid the Syrian crisis, UNRWA provides US$ 70 as cash assistance to each displaced Palestinian or refugee in the Syrian Arab Republic, every two months, in addition to the assistance which is given only after the personal verification of the beneficiaries, under very difficult conditions in some areas, that it describes as dangerous, under the pretext of being unable to send its assistance there, and asking the refugees to get to the areas of distribution.

In Lebanon, UNRWA distributed a monthly allowance of US$ 27 per person for food baskets, which amounts to less than US$ 1 per day. An additional US$ 100 was given as a shelter allowance, for the eligible refugee families, meaning a sum of US$ 235 was given to the family made of 5 members in an inconsistent matter, causing the refugees to feel socially unsafe and constantly looking for other ways to guarantee their daily expenses. In some cases, children and women have been pushed in to the labor market, in conditions that lack the minimum safety requirements and at low wages, within a legal environment that prevents them from exercising any work on a regular basis.

In Jordan, the Palestinian refugees coming from Syria are suffering from the lack of security and the danger of being forcibly displaced back to Syria. Children under the age of 18 make up 41% of the general Palestinian refugee population estimated at 18,000 refugees. UNRWA provides cash assistance of US$ 40 per person, every month.
As for the Palestinian refugees from Syria who are living in the regions categorized as outside the work of UNRWA, the agency has not intervened as it should, to demand providing them with essential assistance, under the pretext that they are outside the limits of its mandate.The responsibility has been given to the Office of the United Nations High Commissioner for Refugees (UNHCR), which deprived thousands of refugees their owed protection.

Background Information

- 95% of the Palestinian refugees in Syria who are registered with UNRWA, are dependent on its assistance to stay alive. UNRWA is considered their main source of income, after the foundations of the Palestinian society and its economy collapsed, and the unemployed refugees became very miserable. 5
- The percentage of unemployment in Syria during 2017, has reached 78%. Approximately 9 million Syrians are jobless. 6
- The value of the Syrian Pound has fallen more than 90%, currently amounting to 540 pounds against the dollar, after it was about 50 pounds to the dollar before the revolution. The salaries of the employees in the areas controlled by the Syrian Government range between 30 – 40 dollars, which do not cover their basic needs

close contact with the United Nations Relief Director for Palestine Refugees, and through him the appropriate bodies and specialized agencies of the United Nations."

4 https://www.unrwa.org/sites/default/files/content/resources/sg_report_arabic.pdf
The United Nation's General Assembly - Seventy-first session Agenda item 49 United Nations Relief and Works Agency for Palestine Refugees in the Near East. Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East - Report of the Secretary-General Page 4

5 UNRWA's report entitled "Annual Work Report 2015" https://www.unrwa.org/sites/default/files/content/resources/2017_aor_arabic_final.pdf

6The Fluctuations of the Syrian Economy and its Prospects 31/12/2017 - Solafa Jabbour, Damascus http://www.aljazeera.net/news/ebusiness/2017/12/31/2017 -

due to the significant rise in prices. The prices of the primary commodities in the areas besieged by the government have increased by 4000%. 7

- 93% of the Palestinian refugees displaced from Syrian Arab Republic to Lebanon are very dependent on UNRWA for a wide range of regular and humanitarian assistance, including food, shelter, health care and education.
- 83% of the Palestinian refugees displaced from Syrian Arab Republic to Jordan are weak or very weak, due to the lack of legal status resulting from the government's policy not to allow entrance to Palestinian refugees.
- The average weekly income of the different Palestinian refugees families displaced from Syrian Arab Republic to Jordan is equivalent to 22 Jordanian Dinars only. (31 US$). 8
- The Palestinian refugees from Syrian Arab Republic to Jordan are denied access to the humanitarian assistance provided to other refugees from Syria.
- The Palestinian refugees in Syrian Arab Republic and the refugees from it are facing a protection crisis more than ever before, while the conflict continues to push the residents to flee, especially outside the country. In the Syrian Arab Republic, some of the Palestinian refugee families are subjected to a group of protection threats, while the needs for protection are aggravating for the Palestinian refugees from Syria in Lebanon and Jordan, because they are denied legal status.
- The assistance provided by UNRWA at the relief, health and educational levels, did not meet the required level needed to cover the size of the crises affecting the society. As a result, UNRWA's policy of cutbacks has come under intense criticism and overwhelming protests from refugees in more than one place.

The Risks of Reducing UNRWA's funding to the Community of Palestinian refugees in Syria

The societies of the Palestinian refugees in Syrian Arab Republic and those who resorted to it, are suffering from fragility at the legal, humanitarian and economic levels. In the light of previous information, of which UNRWA is the majority of sources, and the regular and permanent contributions from UNRWA and other relief institutions, the magnitude of the vulnerability and the loss of protection suffered by these communities becomes clear. This also indicates that the substantial funding cuts by the United States of America, will have a significant impact on the daily lives of millions of Palestinian refugees 9 Based on UNRWA's Commissioner-General's expression, this will also affect the regional security conditions at a time when there are many dangers and threats in the Middle East, particularly with the threat of increased extremism. 10

On the other hand, any further cuts in aid will lead to more suffering among more than 5.5 million Palestinian refugees and threaten their future, especially under the calls and pressures exerted by the Israeli occupation to resolve UNRWA.

Recommendations

- The establishment of UNRWA was linked to Resolution 194, which calls for the repatriation of refugees to their homes and therefore UNRWA's work must continue, and it must perform its humanitarian duties towards the refugees until this decision is implemented. An amendment should be revised by the United Nations before being applied, since UNRWA is one of the UN's branches.
- The international community is responsible for the emergence of the Palestinian refugee issue, thus has political, legal and moral obligations to resolve this issue, on the basis of the right of refugees to return to their homes.

7 How is the Syrian Economy going, after 6 years of Revolution? Manaf Qoman - Non-Post http://www.noonpost.org/content/17348

8UNRWA's report entitled "Annual Work Report 2015" https://www.unrwa.org/sites/default/files/content/resources/2017_aor_arabic_final.pdf

9 https://www.unrwa.org/ar/donate

10 Statement by the Commissioner-General of UNRWA, Pierre Krähenbühl. 17/1/2018.

- Urge donor countries to fulfill their obligations to UNRWA and provide the support needed in order for it to continue its work, to commensurate with the growing plight of the Palestinian refugees.
- Exerting international pressure to resist the calls to dissolve UNRWA in preparation to further deteriorate the Palestinian refugee issue.
- Providing the necessary support to improve the services provided by UNRWA to the Palestinian refugees in view of the significant income that UNRWA is making in order to meet their growing needs in light of the limited and declining relief income.
- Develop the means, tools and authorities of UNRWA to include areas of distribution of Palestinian refugees outside its areas of operation, and to work towards providing physical and legal protection, to ensure the life and dignity of Palestinian refugees.

United Nations A/HRC/37/NGO/9

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Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Torture an Institutionalized Practice in Indian Administered Kashmir

On 27th of Nov, 2017, Monday several disturbing pictures of the torture of prisoners in Tihar jail including that of Shahid Yusuf, the son of Muhammad Yousaf Shah resident of Budgam Indian Administered Kashmir hit the social media. There were visible bruises cuts on the bodies of prisoners highlighting the brutal physical assault they had suffered. These pictures generated serious concern in Indian Administered Kashmir but failed to make any news in Indian National media. It was because of the current political discourse in India which has created more hatred towards already people of Kashmir.

A committee constituted by Delhi High Court has confirmed torture of Kashmiri prisoners inside the high security Tihar jail in India's national capital. It established that Tamil Nadu state police force personnel have beaten as many as 18 Jail inmates of Tihar Jail. The High Court had termed as "very disturbing" the alleged attack on inmates lodged in a high-risk ward in jail number-1 of the jail on the night of November 21. "We need to take a call. It (the incident) is completely unjustifiable," a bench of acting-Chief Justice Gita Mittal and Justice C Hari Shankar had said.

In a similar incident September 2017, in which 47 inmates were beaten mercilessly by the Jail authorities inside prison, Delhi High court directed the Tihar Jail authorities to conduct a fair probe and get the victims medically examined. But no such probe is conducted. Family of senior separatist leader Abdul Samad Inqalabi also alleged that Inqalabi was beaten to pulp by police inside Kathua Jail in Jammu region.

Universal declaration of human rights article 5 and article 7 of the international covenant on civil and political rights provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

States are under obligation under charter and in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms.

The Convention against Torture defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession…" (Art. 1). It may be "inflicted by or at the instigation of or acquiescence of a public official or other person acting in an official capacity."

The prohibition against torture as well as cruel, inhuman or degrading treatment is not limited to acts causing physical pain or injury. It includes acts that cause mental suffering e.g. through threats against family or loved ones. As the U.S. Supreme Court has recognized, "coercion can be mental as well as physical… the blood of the accused is not the only hallmark of an unconstitutional inquisition."

In contravention to international law India has institutionalized torture in Indian Administered Kashmir. Way back in January 1996 former UN Special Rapporteur on torture Nigel Rodley in his report said his mandate has received information that torture is practiced routinely by the army, the Border Security Force BSF and Central Reserve Police Force against the vast majority of persons arrested for political reasons in Indian administered Jammu and Kashmir. He further added official investigations into allegations of torture, including those that resulted in custodial death, were rare and if any investigation had taken place, they were taken by armed forces themselves rather than by an Independent body.

The victims mostly political prisoners implicated on different false accusations in different interrogation centres and prisons describe these interrogation centres and Jails as torture chambers. From 1989 to 2017 there have been 10,000+ documented disappearances and 95,000+ deaths of Kashmiris resulting from the Indian occupation.

According to Khurram Parvaiz, leading human rights defender "The most underreported phenomenon in Jammu and Kashmir is torture. If you go to any village hundreds of people in every village have been tortured, not just men, but women, children and old people as well." Parvaiz was involved in documenting the torture of over 1,500 people who became impotent because their genitals were electrocuted. Parvaiz continued to describe another case of torture, "I have

documented very horrible cases, but this is the most horrible." The army kept a 60-year-old man in solitary confinement for one month. During that time, he wasn't given anything to eat, but his own flesh. They cut the flesh from his body and served it to him. This was all he was given to eat for a month. Recounting the torture Parvaiz said, "This was something that shook me.

In an explosive revelation by whistle-blower website WikiLeaks, cables sent by US diplomats in 2005 quote the Red Cross as saying the Indian government condones torture of detainees in Kashmir. The cables give a Red Cross assessment of how detainees are treated in Kashmir. The cables say, "The International Committee for Red Cross (ICRC) had become frustrated with Indian government which, they said, had not acted to halt the "continued ill-treatment of detainees." The ICRC concluded that India "condones torture" and that the torture victims were civilians as militants were routinely killed."

The reports documented and released by Coalition of Civil Society Srinagar, International Tribunal for Human Rights and justice, Association of parents of disappeared persons Jammu Kashmir which include, Buried Evidence, Facts under Ground, Structures of Violence and others have dispensed with the cases of torture in detail.

But unfortunately these facts did not get the international attention to the extent it deserved and every time India got away without receiving any condemnation by International community. Even office of the high commissioner and United Nations human rights mechanism failed to impress upon shun away.

There is no evidence that the government of India has taken serious steps to curb the practice of torture in Kashmir. Most detainees taken into custody by the security forces in Kashmir continue to be tortured. The methods that have long been practiced in the state are fairly crude, and the security forces have demonstrated little concern for disguising injuries caused by torture. These methods include prolonged beatings, electric shock, burning with heated objects and crushing the muscles with a wooden roller. Detainees are generally held in temporary detention centers, controlled by the various security forces, without access to the courts, relatives or medical care.

During 3rd cycle of Universal periodic review (UPR) at the United Nations Human Rights Council in May 2017, 35 countries raised the issue of torture in India. They called on India to ratify the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which India had signed in 1997 but never ratified.

Then Indian Attorney general, Mukul Rohatgi who was leading the delegation of government of India at the UPR, reiterated Indians commitment to ratify the treaty but at the same time mentioned that the concept of torture is completely alien to Indian culture and it has no place in the governance of the nation. Attorney generals these remarks came under heavy criticism from human rights watch dogs who had already submitted parallel reports on the Indian human rights situations. India never comes out of denial mode, this has permeated a cultural of impunity and not only government officials but now under the current government Hindu fundamentalist of RSS and BJP are time and again involved in attacks on Kashmiri Prisoners in Indian Jails.